

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JANE DOE, a minor by her mother** : **CIVIL ACTION NO. 1:19-CV-1027**  
**and natural guardian, JAKLYN** :  
**BROWN, and JAKLYN BROWN,** : **(Chief Judge Conner)**  
**individually,** :

## Plaintiffs

**V.**

**HARRISBURG SCHOOL DISTRICT, :**  
**HARRISBURG SCHOOL DISTRICT :**  
**d/b/a ROWLAND ACADEMY, :**  
**J. PATRICK NEWTON, in his :**  
**individual and official capacity, :**  
**SYBIL KNIGHT-BURNEY, in her :**  
**individual and official capacity, M.H., :**  
**MS. KRAUTER, in her individual and :**  
**official capacity, and QUINTON COBB, :**  
**in his individual and official capacity, :**

## Defendants

## ORDER

AND NOW, this 15th day of October, 2019, upon consideration of plaintiffs' motion (Doc. 31) for leave of court to file a second amended complaint, and the court noting that defendants concur in the motion, (Doc. 31 at 5), and the court thus finding leave to amend to be appropriate,<sup>1</sup> see FED. R. CIV. P. 15(a)(2), and further upon consideration of defendants' pending motion (Doc. 25) to dismiss plaintiffs'

<sup>1</sup> We are compelled to note, however, that plaintiffs' motion fails to comply with the Local Rules of Court. Plaintiffs did not submit a copy of the proposed second amended complaint or a red-lined version of the first amended complaint as required by Local Rule 15.1(b). See LOCAL RULE OF COURT 15.1(b). We will exercise our discretion to excuse this noncompliance in light of defendants' concurrence in the motion.

first amended complaint, and the court noting that an amended pleading, unless it “specifically refers to or adopts the earlier pleading,” supersedes the original as the operative pleading for the lawsuit, W. Run Student Hous. Assocs., LLC v. Huntington Nat’l Bank, 712 F.3d 165, 171 (3d Cir. 2013) (quoting New Rock Asset Partners, L.P. v. Preferred Entity Advancements, Inc., 101 F.3d 1492, 1504 (3d Cir. 1996)); see also 6 CHARLES ALAN WRIGHT AND ARTHUR MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2019), and the court thus finding that the second amended complaint renders the first amended complaint a legal nullity, it is hereby ORDERED that:

1. Plaintiffs’ motion (Doc. 31) for leave of court to file a second amended complaint is GRANTED.
2. Plaintiffs shall file their second amended complaint on or before **Friday, October 18, 2019.**
3. Defendants’ motion (Doc. 25) to dismiss the first amended complaint (Doc. 23) is DENIED as moot and without prejudice.
4. Defendants shall respond to the second amended complaint in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania